

**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION**

WASHINGTON, D.C. 20554

In the Matter of)	
)	
Review of the Emergency Alert System)	EB Docket No. 04-296
)	
)	
To: Office of the Secretary		

**JOINT REPLY COMMENTS OF THE
NAMED STATE BROADCASTERS ASSOCIATIONS**

Richard R. Zaragoza
David D. Oxenford

SHAW PITTMAN LLP
2300 N Street, NW
Washington, D.C. 20037
(202) 663-8000

*Counsel for the Named
State Broadcasters Associations
In this Matter*

Dated: December 13, 2004

SUMMARY

The State Associations reaffirm their commitment to ensuring an efficient and effective public warning system for the Nation at the Federal, state and local levels.

The State Associations agree that one federal agency, namely DHS, should take the lead in an effort to organize the various Federal interests in this matter, accept responsibilities for ensuring dissemination of emergency messages and further ensure that state and local governments are even aware EAS exists and have their own plans on how to utilize it to benefit their constituents in crisis situations. However, the FCC should remain the regulatory body in charge of ensuring broadcaster, cable system and satellite compliance.

The State Associations agree with the majority of commenters and suggest that the Commission employ the assistance of a public/private partnership to spur a renewed enthusiasm and commitment to finding the truly best solutions to improving EAS and hereby volunteer to become “partners” in that process.

The State Associations submit that voluntary participation in state and local EAS alerts is in fact the better way to serve the public interest. Because of local broadcaster discretion, the public is not burdened by irrelevant and excessive alerts and will be “on guard” when they are in fact alerted to a major emergency that is indeed relevant to their local community. Mandatory participation is also not the panacea to an effective EAS – education of government operators and the public as a whole, cooperation, training and funding are. The State Associations reiterate their contention that mandatory broadcaster participation in state and local EAS alerts is unnecessary and counterproductive.

The State Associations continue to oppose the creation of national activation requirements simply because they are impractical given the literal and figurative landscape of America. States have different needs based on the emergencies that may be common to their area, and should be allowed to adopt activation guidelines to accommodate local crises.

The State Associations recommend that the Commission refrain from adopting rules requiring broadcasters to monitor NWS. Most state EAS plans recommend that its broadcasters monitor NWS and additional regulation would unnecessarily expand the regulatory framework.

The State Associations maintain that regulations requiring state plans would only serve to be redundant. Broadcasters are doing their part already in making an effective and near-instantaneous dissemination system available to the public and the best use of the Commission's offices would be to energize and motivate the necessary state and local entities to even recognize that EAS exists and make a similar commitment to cooperate for the better good of the public.

The State Associations urge the Commission to consider a variety of technologies, including satellite and the Internet, to provide a redundant means of delivering messages from the President. However, the State Associations caution the Commission against losing sight of the characteristics that make broadcasters uniquely capable of disseminating emergency information in an efficient manner.

The State Associations agree with the majority and recommend that the Commission extend national EAS to digital broadcasters recognizing their increased viewership and listenership in American households.

Regarding the technological improvements to EAS, the State Associations urge the Commission to address the hurdles associated with implementing CAP and conduct further research before implementing any mandatory feature that allows receivers to turn on automatically. They would also support the adoption of regulations requiring the capability to receive all EAS codes but would recommend a grace period of at least 18 months.

The State Associations encourage the Commission to formulate solutions that will assist both the vision and hearing impaired and also recommend that the Commission research developing technologies that have language conversion capabilities, so that alert distribution can capture the largest audience possible.

The State Associations believe security of EAS is paramount and the Commission should consult with equipment manufacturers and formulate potential resolutions to be brought before the broadcasting industry for their input.

The State Associations believe that satellite/repeater exemptions from EAS should remain in place because a mandatory requirement for satellite/repeaters stations would only increase the cost to broadcasters with no tangible added value to the public.

The State Associations fully support national testing because it would help restore confidence in EAS and would allow the federal agencies to increase their level of involvement and interaction with the entire system. Tests of the entire national system should be conducted at least once a year and the State Associations recommend that any such test be counted as a Required Monthly Test for the month in which the national test occurs.

The State Associations urged and continue to insist that the Federal government concentrate on, and help provide for, the education and training of state and local emergency managers so that they can effectively execute their activation and relay responsibilities. Additionally, any increase in the base and maximum forfeitures is not warranted or appropriate. The best way towards ensuring compliance is not a stick, but rather a Federal commitment to making EAS operationally effective and reliable.

The State Associations believe that there is no practical need for cable overrides. Broadcasters have eagerly accepted their public service responsibilities to keep their local audiences informed about emergencies of all types within their communities of license and service areas. Local officials are not adding any value through the local alert system when they air a plain vanilla alert after blanking out a station that has the most accurate information. The State Associations' suggested resolution of the issue is a win-win. Local emergency officials will continue to provide emergency information to broadcasters and cable operators. Broadcasters and cable operators will use their best judgments on what should be said and when.

State Associations respectfully request that the Commission resolve the issues raised in this proceeding consistent with these Joint Reply Comments.

TABLE OF CONTENTS

SUMMARY	ii
TABLE OF CONTENTS.....	vi
I. INTRODUCTION	2
II. DISCUSSION	3
1. Role of the Federal Agencies.....	3
2. Public/Private Partnership.....	4
3. Participation in State and Local EAS.....	5
4. National Activation Requirements.....	10
5. Monitoring NWS	11
6. State and Local EAS Plans	11
7. EAS Technology.....	13
8. EAS Equipment Upgrades	15
9. Expanding EAS Requirements to Other Services.....	15
10. Alternate Public Alert and Warning Mechanisms	17
11. Use of the Common Alerting Protocol (‘CAP’).....	18
12. Consumer Electronics Capability	19
13. Emergency Alerts for Individuals with Disabilities.....	20
14. Emergency Alerts for Non-English Speakers.....	21
15. EAS Security.....	22
16. Satellite/Repeater Station Exemptions.....	23
17. EAS Testing.....	23
18. EAS Training	24
19. Small Cable Operator Waivers	25
20. EAS Violation Forfeitures	26
21. General Improvements: Cable Override	27
III. CONCLUSION.....	31

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NAMED STATE BROADCASTERS ASSOCIATIONS**

Alabama Broadcasters Association, Alaska Broadcasters Association, Arizona Broadcasters Association, Arkansas Broadcasters Association, California Broadcasters Association, Colorado Broadcasters Association, Connecticut Broadcasters Association, Florida Association of Broadcasters, Georgia Association of Broadcasters, Hawaii Broadcasters Association, Idaho Broadcasters Association, Illinois Broadcasters Association, Indiana Broadcasters Association, Iowa Broadcasters Association, Kansas Association of Broadcasters, Kentucky Broadcasters Association, Louisiana Association of Broadcasters, Maine Association of Broadcasters, MD/DC/DE Broadcasters Association, Massachusetts Broadcasters Association, Michigan Association of Broadcasters, Minnesota Broadcasters Association, Mississippi Association of Broadcasters, Missouri Broadcasters Association, Nebraska Broadcasters Association, Nevada Broadcasters Association, New Hampshire Association of Broadcasters, The New York State Broadcasters Association, Inc., North Dakota Broadcasters Association, Oklahoma Association of Broadcasters, Oregon Association of Broadcasters, Pennsylvania Association of Broadcasters, Rhode Island Broadcasters Association, South Carolina

Broadcasters Association, South Dakota Broadcasters Association, Tennessee Association of Broadcasters, Texas Association of Broadcasters, Utah Broadcasters Association, Vermont Association of Broadcasters, Virginia Association of Broadcasters, Washington State Association of Broadcasters, West Virginia Broadcasters Association, Wisconsin Broadcasters Association, and Wyoming Association of Broadcasters (collectively, the “State Associations”), by their attorneys in this matter, and pursuant to Sections 1.415 and 1.419 of the Commission’s Rules, 47 C.F.R. §§ 1.415, 1.419, hereby submit their Joint Reply Comments in response to *Notice of Proposed Rule Making (“NPRM”)*, FCC 04-189, in the above-referenced docket, released August 12, 2004, pertaining to the Commission’s Emergency Alert System (“EAS”).

I. INTRODUCTION

The State Associations reaffirm their commitment to ensuring an efficient and effective public warning system for the Nation at the Federal, state and local levels. In their opening Joint Comments, the State Associations chronicled their initiatives and very hard work on several fronts, including the creation and maintenance of state EAS plans, serving on EAS and AMBER Alert Committees, as well as providing training and funding. They recommended that the FCC encourage further cooperation amongst broadcasters, cable providers and local government officials, and use its prominence to facilitate progress in improving EAS rather than advancing numerous burdensome regulations. The State Associations also cautioned the Commission against one-size-fits-all rules that would not account for the local nuances that exist from state to state. Many of those who have filed comments in this proceeding generally agree that the “new” EAS should be effective, but flexible enough to accommodate geographical differences, the complexities of the different governmental jurisdictions and political organizations and the differing types of disasters and emergencies that exist today and may exist in the future.

II. DISCUSSION

1. Role of the Federal Agencies

The Commission sought comment on whether a particular federal agency should take the lead role for the future of EAS.¹ Virtually all of the commenters recommended that a single federal entity be designated to oversee EAS in an effort to fulfill the need for centralized leadership, but they differ on which agency should take the lead. The National Association of Broadcasters & Association for Maximum Service Television, Inc. (“NAB & MSTV”), along with a majority of the commenters, suggested the Department of Homeland Security (“DHS”) should take the lead given its other roles in emergency management.² Of the commenters that supported this position, some recommended that the Commission remain the entity that promulgates requirements pertaining to the Commission’s licensees because it is federally charged with licensee oversight.³ Additionally, the CBA suggested that the FCC implement an oversight system that evaluates and assesses EAS performance and the public response to EAS

¹ NPRM at ¶ 22.

² See e.g., Comments of Alaska Broadcasters Associations and Alaska SECC (“ABA & ASECC”); Comments of the Sage Alerting Systems (“Sage”); Comments of Maine SECC; Comments of SatStream Systems Corporation (“SSC”); Comments of National Center for Missing & Exploited Children (“NCMEC”); Comments of Radioshack Corporation (“Radioshack”); Comments of Rehabilitation Engineering Research Center on Mobile Wireless Technologies for Persons with Disabilities (“Wireless RERC”); Comments of Rehabilitation Engineering Research Center on Telecommunication Access (“Telecom RERC”); Comments of TFT, Inc (“TFT”); Comments of Primary Entry Point Advisory Committee (“PEPAC”); Comments of the California Broadcasters Association; and the Comments of WTOP(AM), WTOP(FM), and WXTR(AM) (“Bonneville Stations”).

³ See e.g., Comments of NAB & MSTV; Comments of Dr. Peter L. Ward; Comments of the Wisconsin SECC; Comments of the North Carolina and Ohio Associations of Broadcasters (“NCOAB”); Comments of the Ohio Emergency Management Agency (“OEMA”); and the Comments of the Primary Entry Point Advisory Committee (“PEPAC”).

alerts.⁴ Other commenters would forge the FCC, FEMA or NWS to the forefront given their previous relationships with the broadcasting industry under the current EAS.⁵

The State Associations agree that one federal agency, namely DHS, should take the lead in an effort to organize the various Federal interests in this matter, accept responsibilities for ensuring dissemination of emergency messages and further ensure that state and local governments are aware of EAS and have instituted their own EAS plans in order to protect their constituents in crisis situations. However, the FCC should remain the regulatory body in charge of ensuring broadcaster, cable system and satellite compliance. The FCC's nationwide jurisdiction is limited to one important segment of "players" in the emergency alert system. DHS has national jurisdiction over all "players," and is already involved in upgrading EAS through its recent proposals to increase the number of point of entry ("PEP") stations, to arrange for satellite delivery of presidential emergency messages and to test the viability of public broadcasters' digital channels to transmit warnings. Thus, DHS is clearly the most appropriate agency to undertake the massive effort needed to further improve the government's ability to deliver emergency information to the EAS conduit through broadcasters and to ensure that state and local governments take all necessary and appropriate steps to fully utilize the system for their benefit of their citizenry.

2. Public/Private Partnership

The Commission invited comment on a recommendation by the Partnership for Public Warning ("PPW") and the Media Security and Reliability Council I ("MSRC I") on whether

⁴ Comments of the CBA, at 4.

⁵ See Comments of the American Foundation for the Blind ("AFB"); Comments of Verizon; and the Comments of Seven Ranges Radio Company ("SRR").

delivery of emergency information to the public should be achieved through a public/private partnership.⁶ A few commenters addressed this issue and recommended that the Commission consider a public/private partnership to ensure that the best technology is developed.⁷ On the opposite side of this issue, Radioshack, which has an obvious stake in the outcome, suggests that a partnership is unnecessary on the grounds that the NOAA Network exists and provides direct “government-to-the-public” all hazards warning.⁸ The State Associations contend, however, that NOAA Weather Radio does not cover all of the states and requires consumers to purchase a special weather radio.

The State Associations agree with the majority of commenters and suggest that the Commission employ the assistance of a public/private partnership to spur a renewed enthusiasm and commitment to finding the truly best solutions for improving EAS. The State Associations hereby volunteer to become “partners” in that process which is so critical to the safety and welfare of our Nation.

3. Participation in State and Local EAS

The NPRM raised the question of whether the Commission should adopt rules that mandate broadcaster participation in state and local EAS alerts, without regard to the broadcasters’ non-delegable duty to be responsible for whatever is aired, including the

⁶ NPRM at ¶ 23.

⁷ See Comments of American Teleservices Association (“ATA”); Comments of Alert Systems, Inc., Comments of Wisconsin SECC; and the Comments of NCMEC.

⁸ See Comments of Radioshack, at 14.

broadcasters' obvious need to filter out conflicting and outdated emergency information that is not relevant to their particular listeners.⁹

In its Joint Comments, the State Associations urged the Commission to refrain from adopting regulations mandating participation for a number of reasons. One very important reason sprang from the potential for a limitless number of activations and the risk that overexposure could dilute the impact during major emergencies. Many commenters are of the same view as the State Associations.¹⁰ Cox stated its opposition to mandatory participation in state and local EAS because the public benefits only from receiving EAS alerts that are of relevance to their communities and that the local media are in the best position to make that determination.¹¹ Cox also pointed out that excessive, irrelevant alerts could dilute the impact of an alert when a true emergency arises.¹² The Maine SECC opposed mandatory participation based on the rationale that if every local emergency manager is suddenly given direct access to EAS, it can be expected that improper use of the system will skyrocket, rendering the system ineffective for times when it is truly needed.¹³

NAB & MSTV persuasively argue that the FCC lacks authority to mandate state and local EAS participation because it erroneously relies upon Section 706 as a grant of authority to

⁹ NPRM at ¶ 24.

¹⁰ See e.g., Comments of the ABA & ASECC; Comments of Cox Broadcasting, Inc. ("Cox"); Comments of the Wisconsin SECC; Comments of Liberty Corporation ("Liberty"); Comments of the Maine SECC; Comments of NAB & MSTV; Comments of the National Cable & Telecommunications Association ("NCTA"); Comments of NCOAB; Comments of PPW; Comments of XM Radio, Inc. ("XM"); Comments of Hearst-Argyle Television, Inc. ("HATV"); Comments of the CBA; and the Comments of the Society of Broadcast Engineers, Inc. ("SBE").

¹¹ Comments of Cox, at 5-6.

¹² *Id.*

¹³ Comments of Maine SECC, at 3.

regulate emergency broadcasting, but that provision is limited to the regulation of national emergency broadcasting.¹⁴

The Wisconsin SECC also argues that as a result of the increasing number and types of sources of emergency information, competitive marketplace forces essentially require broadcasters to carry the local alerts and thus a mandate is unnecessary.¹⁵ Similarly, several commenters point out that the public does indeed benefit from the exercise of discretion by local stations because the local station is best able to determine whether the alert is factually correct, whether it is relevant to the local community and whether the station's own reporting and alerts are more timely, comprehensive and helpful.¹⁶ NAB & MSTV also raise a number of practical considerations that have yet to be resolved, such as determining who has the authority to demand access, how long should the authority be able to demand access and what system should be used to insure that such authority is not abused.¹⁷ Likewise, HATV questioned how licensees would respond if presented with conflicting demands from multiple local officials with inconsistent or conflicting information during a region-wide emergency.¹⁸ PPW appropriately recommends that if the Commission were inclined toward mandating state and local access, the Commission first determine the actual use of EAS by local officials, and ascertain and evaluate the operational issues that have arisen, based on considered input from all of the major players prior to

¹⁴ Comments of NAB & MSTV, at 25.

¹⁵ Comments of Wisconsin SECC, at 2.

¹⁶ See e.g., Comments of NCOAB; Comments of the Wisconsin SECC; and the Comments of the Maine SECC.

¹⁷ Comments of NAB & MSTV, at 35.

¹⁸ Comments of HATV, at 3.

promulgating any rules.¹⁹ The State Associations suggest that the FCC may want to first survey state and local officials to determine if they are even aware of the existence of EAS or the opportunity broadcasters offer for government to communicate emergency information to the public. At a minimum, if new rules are to be imposed, which the State Associations do not recommend, there should be some minimum standards for the training of governmental officials in the scope and reach of broadcaster signals before they begin issuing alerts.

Some commenters support a proposal to require participation in local alerts, but failed to articulate any concrete improvements in emergency alert distribution that would emerge as a result.²⁰ Additionally, none of the comments addressed the aforementioned questions and difficulties posed by such a requirement.²¹ The rationales for supporting a mandatory participation requirement have been justified as being “consistent with public interest obligations,” with no specific examples or arguments to document that general conclusion.²²

The State Associations submit that voluntary participation is in fact the better way to serve the public interest. Because of the exercise of local broadcaster discretion, the public is not burdened by irrelevant and excessive alerts. Thus the public will be truly “on guard” when they

¹⁹ Comments of PPW, at 4.

²⁰ See e.g., Comments of Sage; Comments of Harris Corporation (“Harris”); Comments of SSC; Comments of the Municipalities and Municipal Organizations (the “Municipalities”); Comments of Wireless RERC; Comments of Telecom RERC; Comments of The Telecommunications for the Deaf, Inc., Association of Late-Deafened Adults, Deaf & Hard of Hearing Consumer Advocacy Network, National Association for the Deaf, and Self-Help for Hard of Hearing People Organizations (“Joint Commenters for the Disabled”); Comments of the Telecommunications Industry Association (“TIA”); Comments of the Bonneville Stations; Comments of the City of Ann Arbor; Comments of the New Hampshire SECC (“NH SECC”), and the Comments of OEMA.

²¹ *Id.*

²² *Id.* See also, Comments of Harris, at 6.

are in fact alerted to a major emergency that is indeed relevant to their local community. Even commenters that favor the mandate recognize the problems associated with excessive activations. Telecom RERC has conditioned its support on better encoding of the information “so that the public does not become desensitized if alerted to too many minor incidents, or receive alerts after the emergency has passed.”²³ Likewise, NH SECC only supports mandatory participation if the list of event codes is trimmed significantly.²⁴ The State Associations oppose participation but certainly agree that the list of events that would qualify for EAS activation needs to be severely restricted.

Mandatory participation is also not the panacea to an effective EAS – education of government operators and the public as a whole, cooperation, training and funding are. In their Joint Comments, the State Associations noted that broadcasters are eager to participate in state and local EAS but emphasized that blanket acceptance of every emergency alert, notwithstanding redundancy, irrelevance and overexposure, is actually a disservice to the public. Making carriage of EAS alerts mandatory also would seem to run counter to the FCC’s longstanding principle that each individual broadcaster is responsible for what their station airs. Broadcasters, particularly with programs such as AMBER, have demonstrated their commitment to public safety and the viability of EAS when state and or local governments are also prepared to cooperate. In fact, the State Associations would also point out that it is rare when a governmental entity is able to “beat” broadcasters with information the news media has not already reported. The State Associations reiterate their contention that broadcaster participation

²³ Comments of Telecom RERC, at 4.

²⁴ Comments of NH SECC, at 1.

in state and local EAS alerts is unnecessary and counterproductive, and thus should not be mandated.

4. National Activation Requirements

The Commission sought comment on whether it should create a national standard articulating when EAS may and must be activated.²⁵ A few commenters supported the imposition of a national standard, with SatStream Systems Corporation specifically suggesting that the FCC or another federal agency establish some “common sense” standards for activation.²⁶ The remaining commenters were opposed to imposing federal activation guidelines because they recognized the insurmountable geographical and topographical hurdles that prevent a national solution.²⁷ In addition to the geographical diversity of the U.S., NAB & MSTV found a national standard for state and local activation to be wholly unworkable given the economic disparity amongst various state and local emergency planners.²⁸

The State Associations continue to oppose the creation of national activation requirements because they are impractical given the literal and figurative landscape of America. States have different needs based on the emergencies that may be common to their area, and should be allowed to adopt activation guidelines to accommodate local crises. Any attempt to create standards that fully account for state and locality distinctions would result in a voluminous set of inflexible rules that still are not likely to accommodate evolving circumstances.

²⁵ NPRM at ¶ 24.

²⁶ See Comments of SSC and Comments of SBE. See also Comments of SSC at 4.

²⁷ See e.g., Comments of ABA & ASECC; Comments of the Municipalities; Comments of NAB & MSTV; and the Comments of the Bonneville Stations.

²⁸ Comments of NAB & MSTV, at 24.

5. Monitoring NWS

The Commission questioned whether it should adopt rules requiring that all EAS participants monitor NWS.²⁹ Several commenters supported such a regulation citing the ability to minimize the amount of time it takes to transmit weather alerts and the direct integration of most or all NWS stations into EAS.³⁰ By contrast, other commenters contend that this requirement is unnecessary because broadcasters routinely monitor NOAA Weather Radio where available, and, because NWS radio signals are not available in many areas such a requirement is of limited value.³¹

The State Associations agree with the latter view, and recommend that the Commission refrain from adopting rules requiring broadcasters to monitor NWS. Most state EAS plans recommend that its broadcasters monitor NWS and additional regulation would unnecessarily expand the regulatory framework.

6. State and Local EAS Plans

In the NPRM, the Commission inquired as to whether it should require states to create state and/or local EAS plans and if so, whether it should also adopt national guidelines detailing the substance of such plans.³² Of the commenters that encouraged the FCC to adopt rules requiring state plans, many recognized, but failed to resolve, the issues relating to the need to

²⁹ NPRM at ¶ 26.

³⁰ See Comments of North Carolina SECC (“NC SECC”); Comments of OEMA; Comments of PPW; Comments of the Bonneville Stations; and the Comments of SBE.

³¹ See Comments of NH SECC; Comments of Wisconsin SECC; and the Comments of NAB & MSTV.

³² NPRM at ¶ 25.

mobilize state officials that are not subject to the regulatory sanctions of the Commission.³³

Joining the commenters that oppose the proposed regulations, the Wisconsin SECC reminded the Commission that most state officials are acting as volunteers, hence, cannot be “forced” to work toward an agreement.³⁴ Furthermore, NAB & MSTV argued that the Commission does not have the authority to require non-licensees to agree to these plans but suggested that FEMA use its funding arm as an incentive to encourage participation.³⁵ NAB & MSTV also argue that the EAS system cannot be fixed through broadcaster mandates alone.³⁶ They believe unresolved issues such as a local emergency manager knowing what steps are necessary to activate EAS, must be addressed to have an efficient system.³⁷ Additionally, they believe state and local plans need an adequate funding source to ensure that all jurisdictions are able to meet the public needs.³⁸ A number of commenters also believed there should be a federal model or policy statement to assist state and local emergency managers in creating plans.³⁹ Specifically, NCMEC suggested that DHS develop and distribute templates of model state and local plans, provide funding opportunities for the EAS equipment that are critical to these plans, and

³³ See e.g., Comments of AFB; Comments of Dr. Peter L. Ward; Comments of NH SECC; Comments of the Municipalities; Comments of NCMEC; Comments of OEMA; Comments of PPW; Comments of Wireless RERC; Comments of the Bonneville Stations; Comments of the CBA; Comments of HATV; and the Comments of the SBE.

³⁴ Comments of Wisconsin SECC, at 2.

³⁵ Comments of NAB & MSTV, at 9-10.

³⁶ *Id.* at 24.

³⁷ *Id.*

³⁸ *Id.*

³⁹ See e.g., Comments of NAB & MSTV; Comments of NCOAB; Comments of Wireless RERC; Comments of OEMA; Comments of PPW; Comments of HATV and the Comments of XM.

quarterly meetings to review and evaluate current plans.⁴⁰ Several commenters even suggest requiring plan updates after a minimum number of years.⁴¹

The State Associations maintain that broadcasters are doing their part already in making an effective and near-instantaneous dissemination system available to the public. Accordingly, the best use of the Commission's offices would be to energize and motivate the necessary state and local entities to recognize that EAS exists and to make commitments similar to those of the broadcast industry to cooperate in improving EAS for the better good of the public. In Exhibit 1 to its Joint Comments, the State Associations illustrated the existence of 48 plans within the 50 states, and one of the two outstanding plans was near completion. Therefore, regulations requiring state plans would only serve to be redundant. Any mandated national criteria regarding the substance of the state plans would be equally unworkable. In their Joint Comments, the State Associations highlighted the creativity and hard work already expended by the states to create plans that work for their region. The State Associations continue to believe that a national criteria is much less valuable than voluntary "best practices" and "model agreements" which would serve as a time-saving mechanism to emergency managers who are less clear about where to start, and how best to make their existing plans more state-of-the-art.

7. EAS Technology

The Commission requested comment on alternatives to the current EAS distribution system including whether satellite delivery systems should be used and whether the PEP system

⁴⁰ Comments of NCMEC, at 5.

⁴¹ See Comments of NCMEC; Comments of OEMA; and the Comments of HATV.

is still necessary given changes in technology.⁴² Some commenters endorsed the use of satellites to increase efficiency but conditioned their endorsements on the availability of federal funding.⁴³ Dr. Peter Ward and the NH SECC believe satellite delivery should be an alternative, which is run parallel to some other system because of the considerable time it would take to replace a satellite if it goes out of service.⁴⁴ Several commenters suggested expansion of the PEP structure.⁴⁵

The State Associations urge the Commission to consider a variety of technologies, including satellite and the Internet, to provide a redundant means of delivering messages from the President. The State Associations also strongly recommend that consideration be given, by FEMA, to reinstating connections from the White House to the national networks and to the Associated Press. In addition, the State Associations suggest that National Public Radio be designated as a primary entry point. NPR has for some time been set up to relay Presidential messages across the country on a sub-channel but is relegated to receiving the President's message in a daisy chain fashion from an existing PEP station. The State Associations also reiterate their suggestion that the number of PEP stations be increased to expand the geographical reach and reliability of the PEP structure for EAS and want to recognize approvingly DHS' initiatives to increase the number of PEP stations and arrange for satellite delivery of national EAS alerts.

⁴² NPRM at ¶ 27.

⁴³ See Comments of Wisconsin SECC and Comments of OEMA.

⁴⁴ See Comments of NH SECC, at 5 and Comments of Dr. Peter L. Ward, at 8.

⁴⁵ See Comments of Sage, at 4.

8. EAS Equipment Upgrades

The Commission solicited comment on whether it should adopt rules that require broadcasters to upgrade their EAS equipment so that such equipment is capable of receiving all codes, including new voluntary state and local codes recently adopted.⁴⁶ While there was a consensus among virtually all commenters that the codes should be mandated, the commenters differed on the length of the grace period for implementation. The grace periods suggested ranged from 6 months to 18 months, and other grace periods were vaguely described as “short” or “reasonable.”⁴⁷

The State Associations support the adoption of regulations requiring equipment to be capable of receiving all codes, but would also recommend a grace period of at least 18 months. Funding should be made available to help facilitate faster transition periods for small broadcasters. Furthermore, the Commission should also recognize the importance of ensuring that equipment manufacturers retain copyrights to their software, which would streamline the necessary upgrading process when the codes are changed.

9. Expanding EAS Requirements to Other Services

In the NPRM, the Commission asks whether it should adopt rules extending EAS obligations to other digital broadcast media such as direct broadcast satellite (“DBS”), digital television (“DTV”), digital cable, and satellite Digital Audio Radio Service (“satellite DARS”)

⁴⁶ NPRM at ¶ 28.

⁴⁷ See e.g., Comments of NAB & MSTV; Comments of the Wisconsin SECC; Comments of the ABA & ASECC; Comments of the NH SECC; Comments of SBE; Comments of NC SECC and the Comments of OEMA.

and whether EAS rules should apply to all program streams.⁴⁸ Generally, all but one of the commenters that addressed this issue believed that EAS obligations should be extended to digital broadcast media largely because of their increased presence and growing customer base, and most suggested that distribution requirements be limited to national messages for satellite providers.⁴⁹ Satellite DARS systems, Sirius and XM, both voluntarily offered to participate in EAS to the extent possible, with XM requesting that it be designated as a national PEP.⁵⁰ In the alternative, PPW contends that the current EAS rules are not appropriate for the digital realm and until the rules provide for the distribution of warnings in a timelier manner, the Commission should refrain from imposing an EAS requirement on digital broadcast media.⁵¹ Regarding the issue of force-tuning, all but one of the commenters recommended that digital sources be required to provide any EAS notification on all program streams giving the broadcaster some flexibility in alerting the public as opposed to instituting a force-tuning requirement.⁵² Harris

⁴⁸ NPRM at ¶ 29.

⁴⁹ See e.g., Comments of NAB & MSTV; Comments of ABA & ASECC; Comments of Charter Communications, Inc. (“CCI”); Comments of the Municipalities; Comments of the NH SECC; Comments of the Wisconsin SECC; Comments of NCMEC; Comments of NCOAB; Comments of OEMA; Comments of Wireless RERC; Comments of Telecom RERC; Comments of the Satellite Broadcasting and Communications Association (“SBCA”); Comments of the Joint Commenters for the Disabled; Comments of HATV; Comments of the CBA; and the Comments of NCTA.

⁵⁰ See Comments of Sirius Satellite Radio, Inc. (“Sirius”), at 2 and Comments of XM, at 8-9.

⁵¹ Comments of PPW, at 18.

⁵² See Comments of Cox Broadcasting, Inc. (“Cox”); Comments of Liberty Corporation; Comments of NAB & MSTV; Comments of OEMA; Comments of Wireless RERC; Comments of Telecom RERC; Comments of HATV; Comments of PEPAC and the Comments of the Bonneville Stations.

Corporation disagrees and urges the Commission to require digital broadcasters to force-tune all receivers to one stream.⁵³

The State Associations agree with the majority that the Commission extend national EAS to digital broadcasters, recognizing their increased viewership and listenership in American households. Coupled with this recommendation is the suggestion that the Commission refrain from adopting a force-tuning requirement, which would otherwise preempt the exercise of broadcaster discretion in determining the most efficient method of transmitting an emergency message to the public.

10. Alternate Public Alert and Warning Mechanisms

The Commission sought comment on whether EAS should be combined with an alternative public alert and warning system (“APAWS”), which would include consumer electronic devices such as mobile phones, cars, computers, etc., and whether they should be required to participate in EAS.⁵⁴ The commenters each made numerous recommendations on how the Commission could fashion a comprehensive public alert system. However, none of the recommendations should distract the FCC from the mission at hand, and that is how best to improve the basic EAS back-bone system which, already exists, is operational and provides instantaneous emergency notification to the public. On the issue of whether phone, cellular or wireless service should be integrated into EAS, the commenters that favored such integration cite to the mobility of cellular and wireless and their ability to text message users.⁵⁵ In the

⁵³ Comments of Harris, at 6.

⁵⁴ NPRM at ¶ 31.

⁵⁵ See e.g., Comments of the Cellular Emergency Alert Service Association (“CEASA”) and the Comments of Wireless RERC.

alternative, some commenters opposed the inclusion of wireless and cellular because they are limited in terms of the amount of information that may be transmitted, the systems are not designed for simultaneous dissemination, and they lack system reliability in the face of emergencies like 9-11.⁵⁶

The State Associations recommend that the Commission explore the use of systems that could run parallel to the over-the-air broadcasts, but it should not lose sight of the characteristics that make broadcasters uniquely capable of disseminating emergency information in an efficient manner. First, the broadcast audience has come to rely on the industry as their main source of emergency-related information. Second, unlike cellular or wireless, broadcasters have the ability to employ point to multi-point distribution. Finally, increased traffic is not a problem for broadcasters and use of the bandwidth will not hamper the efforts of first responders in their efforts to establish radio communication amongst one another. Within five minutes of the 2001 Nisqually earthquake in western Washington, the cell phone system was unusable because of extreme overloading and remained down for several hours. Accordingly, in its quest for new EAS participants, the Commission should be careful not to abandon the system that is capable of performing at a time when others may not be available.

11. Use of the Common Alerting Protocol (“CAP”)

The NPRM sought comment on whether CAP could act as an effective interface to multiple emergency notification services, including EAS, or whether the Commission should

⁵⁶ See e.g., Comments of CTIA –The Wireless Association (“CTIA”); Comments of PPW; Comments of Rural Cellular Association (“RCA”); Comments of PEPAC; and the Comments of Verizon.

coordinate development of a Media Common Alert Protocol (“MCAP”).⁵⁷ A majority of commenters support the use of CAP because of its ability to increase accessibility and ensure that everyone receives the same message.⁵⁸ NAB & MSTV support the adoption and implementation of CAP but conditioned it upon two future occurrences.⁵⁹ First, to accommodate broadcasters’ transition digital television, it is important that a method be devised to carry CAP within DTV transmissions.⁶⁰ Second, the Commission must ensure that CAP is fully compatible with existing EAS encoders/decoders and does not obsolete already installed equipment.⁶¹ A couple of commenters strongly prefer MCAP over CAP but recognize that it is a standard that is yet to be developed.⁶²

The State Associations agree with NAB & MSTV’s position and urge the Commission to address the hurdles associated with implementing CAP.

12. Consumer Electronics Capability

The Commission invites comment on whether it should mandate that consumer electronics have the capability remotely and automatically activate receivers.⁶³ Several commenters support this effort but at least one suggested that the device contain an override

⁵⁷ NPRM at ¶ 34-35.

⁵⁸ See e.g., Comments of CEASA; Comments of Dr. Peter L. Ward; Comments of NAB & MSTV; Comments of PPW; Comments of Telecom RERC; Comments of Alert Systems, Inc.; Comments of the CBA; and the Comments of TFT.

⁵⁹ Comments of NAB & MSTV, at 15-16.

⁶⁰ *Id.*

⁶¹ *Id.*

⁶² See Comments of Harris and the Comments of TIA.

⁶³ NPRM at ¶ 35.

option to allow the consumer to chose the function.⁶⁴ Some commenters believe that mandating the feature is unnecessary because marketplace forces will gauge what capabilities are appropriate and when they should be included.⁶⁵

The State Associations believe further research should be done before there is any further consideration of a mandatory feature. The tension lies between increasing the availability of warnings, on the one hand, and the human tendency to do away with anything that is regarded as disruptive and a nuisance, on the other.

13. Emergency Alerts for Individuals with Disabilities

The Commission sought comment on whether there are disparities between the current EAS rules and Part 79 of the FCC rules, and it also inquired as to how individuals with disabilities can be notified of EAS activation through digital and alternative technologies.⁶⁶ All of the commenters that addressed this issue urged the Commission to enact a single set of rules or, at the very least, reconcile both sets of rules.⁶⁷ According to Telecom RERC, the rules under Part 79, as written, are preempted by the EAS rules.⁶⁸ Several other commenters recommended

⁶⁴ See e.g., Comments of the ABA & ASECC; Comments of the Wisconsin SECC; Comments of OEMA; Comments of Telecom RERC. See also the Comments of the NH SECC, at 6.

⁶⁵ See Comments of the Consumer Electronics Association (“CEA”); Comments of TFT; and the Comments of PEPAC.

⁶⁶ NPRM at ¶ 38-39.

⁶⁷ See e.g., Comments of Wireless RERC and the Comments of Joint Commenters for the Disabled.

⁶⁸ Comments of Telecom RERC, at 13.

that the enhanced EAS make provisions for text intensive messages to assist the hearing impaired.⁶⁹

The State Associations encourage the Commission to formulate solutions that will assist both the vision and hearing impaired because these groups are the most disadvantaged during an emergency and deserve reasonably adequate access to emergency information.

14. Emergency Alerts for Non-English Speakers

The Commission solicited comment on whether stations should serve the language needs prevalent in the community as well as broadcast alerts in the primary language of the station.⁷⁰

A couple of commenters suggested that future EAS alerts be capable of being converted into any language.⁷¹ But SRR contends the status quo is adequate, pragmatically stating, “if the audience doesn’t understand English, they would not be tuned in to an English language station.”⁷²

The State Associations disagree with SRR’s response especially given the fact that Non-English speakers may choose to view an English channel with the help of closed captioning or in order to learn the language. The State Associations recommend that the Commission research developing technologies that have language conversion capabilities, so that alert distribution can capture the largest audience possible.

⁶⁹ See e.g., Comments of ABA & ASECC; Comments of Digital Alert Systems (“DAS”); Comments of the NH SECC; Comments of the Wisconsin SECC; Comments of OEMA; and the Comments of TFT.

⁷⁰ NPRM at ¶ 40.

⁷¹ See e.g., Comments of Dr. Peter L. Ward and the Comments of NCMEC.

⁷² Comments of SRR, at 13.

15. EAS Security

The NPRM seeks comments on how to improve the security of EAS distribution methods.⁷³ There were several suggestions from commenters including encryption of alerting transmissions, password protection of existing equipment, and enforcement of rules requiring broadcasters to implement security measures.⁷⁴

The State Associations suggest that the FCC undertake an even broader look at security for the Nation's communications systems. Engineering experts indicate that a sophisticated hacker with the right equipment and knowledge could take over a station's entire broadcast signal. A mobile van could also be used by someone with malicious intentions to overpower a station's studio to transmitter link and put out a bogus signal. In today's world of terrorist threats it also is not inconceivable that a rogue operation could sweep the sky of a satellite arc and disrupt all communications systems including paging, satellite, telephones, television and radio. One hesitates to expound any further in fear of inducing malevolent behavior. The State Associations believe security of EAS is paramount and the Commission should consult with equipment manufacturers and formulate potential resolutions to be brought before the broadcasting industry for their input. Given the current state of affairs regarding terrorism and the like, the Commission should act quickly to resolve these particular issues. Again, the FCC and the Federal government needs to do more in terms of creating a sense of urgency, accompanied by recommendations for all players to evaluate their state of readiness, to improve their readiness, to conduct drills, etc.

⁷³ NPRM at ¶ 41.

⁷⁴ See e.g., Comments of ABA & ASECC; Comments of Sage; Comments of OEMA; and the Comments of PPW.

16. Satellite/Repeater Station Exemptions

The Commission sought comment on whether it should continue to exempt broadcast satellite repeater stations from the requirement to install EAS equipment provided the hub station complies with EAS regulations.⁷⁵ A large majority of the commenters responding to this issue argued that satellite/repeater stations should be required to participate in EAS, but without any rationale beyond the need to “gain public trust.”⁷⁶ Whereas, the Bonneville stations contended that they should continue to be exempt because the broadcaster already monitors EAS at the hub station.⁷⁷

The State Associations agree with the Bonneville stations because a mandatory requirement for satellite/repeaters stations would only increase the cost to broadcasters with no tangible added value to the public. Therefore, the exemptions should remain in place.

17. EAS Testing

The Commission requested comment on whether comprehensive periodic testing of the entire national EAS system should be required.⁷⁸ All of the commenters that addressed this issue recommended that there be an end-to-end testing of the national level of EAS and they all concur that it should be done, at the very least, once a year.⁷⁹

⁷⁵ NPRM at ¶ 42.

⁷⁶ See e.g., Comments of ABA & ASECC; Comments of Wisconsin SECC; Comments of OEMA; Comments of the SBE; and the Comments of PPW.

⁷⁷ Comments of the Bonneville Stations, at 11.

⁷⁸ NPRM at ¶ 43.

⁷⁹ See e.g., Comments of ABA & ASECC; Comments of Cox; Comments of Dr. Peter L. Ward; Comments of the NH SECC; Comments of the Wisconsin SECC; Comments of Sage;

The State Associations fully support national testing because it would help to restore confidence in EAS and would allow the federal agencies to increase their level of involvement and interaction with the entire system. Tests of the entire national system should be conducted at least once a year and the State Associations recommend that any such test be counted as a Required Monthly Test for the month in which the national test occurs.

18. EAS Training

The Commission requested comment on whether additional training resources should be provided to emergency managers and who should incur the costs of such training.⁸⁰ Every commenter concurred with the necessity of training for emergency managers as well as for broadcasters, cable systems and other media operators.⁸¹ Specifically, NCOAB believes there should be a national training standard to ensure uniformity of knowledge amongst the persons who administer and activate EAS.⁸² Similarly, CBA believes the Commission should compile and circulate training materials and convene conferences to help broadcasters voice shared experiences.⁸³ PPW recommends that there be cross training opportunities so all parties are

Comments of SSC; Comments of NAB & MSTV; Comments of NCTA; Comments of NCOAB; Comments of the NC SECC; Comments of OEMA; Comments of PPW; and the Comments of PEPAC.

⁸⁰ NPRM at ¶ 44.

⁸¹ See e.g., Comments of ABA & ASECC; Comments of Dr. Peter L. Ward; Comments of the NH SECC; Comments of the NCTA; Comments of NCOAB; Comments of Wireless RERC; Comments of OEMA; Comments of PPW; and the Comments of the Bonneville Stations.

⁸² Comments of NCOAB at 12,13.

⁸³ Comments of CBA, at 8.

better able to appreciate each other's roles in accurately and efficiently distributing emergency alerts.⁸⁴

In their Joint Comments, the State Associations highlighted the leadership role efforts of many states in making sure that training was available for its emergency alert participants. However, the State Associations urged and continue to insist that the Federal government also concentrate on, and help provide for, the education and training of state and local emergency managers so that they can effectively execute their activation and relay responsibilities.

19. Small Cable Operator Waivers

The Commission invites comments on whether the level of participation in EAS should depend on the size of the entity because small operators may lack the resources need to absorb equipment upgrades and staff.⁸⁵ Virtually all of the commenters were opposed to a small operator exemption to EAS.⁸⁶ Their rationales were based on the fact that the goals of EAS or any emergency warning system would not be served by tying the level of broadcaster participation to the size of the broadcast company.⁸⁷ However, PPW argued that Part 11 of the Commissions rules already contain exceptions for small operators and should continue if the reasons are financially related.⁸⁸

The State Associations take no position on this issue.

⁸⁴ Comments of PPW, at 27.

⁸⁵ NPRM at ¶ 45.

⁸⁶ See e.g., Comments of the NH SECC; Comments of Sage; Comments of OEMA; Comments of Wireless RERC; and the Comments of the Bonneville Stations.

⁸⁷ *Id.*

⁸⁸ Comments of PPW, at 28.

20. EAS Violation Forfeitures

In an effort to ensure compliance, the Commission sought comment on whether it should increase the base forfeiture amount for an EAS violation and whether it should seek legislation from Congress to increase the maximum forfeitures.⁸⁹ Several commenters considered the proposed changes punitive and expressed the belief that increases will not cause broadcasters to perform above and beyond the FCC's requirements - which many currently are doing.⁹⁰ NAB & MSTV suggest that the enforcement actions brought by the FCC in 2003 are the best proof of the adequacy of the current system.⁹¹ By contrast, some commenters believe the fines should be raised to force compliance and deter future violations.⁹² Wireless RERC even suggested that the funds could be used to offset small operator costs.⁹³

The State Associations submit that the biggest impediment to a truly effective EAS is the failure of certain state and local organizations to accept their responsibility for disseminating emergency information for broadcasters to relay to the public. If there is a complaint that a station is not doing its part, invariably that is because some state or local authority has not done its part. Notwithstanding these facts, the State Associations want this proceeding to focus on the future, spending only as much time on the past as necessary to determine where things need to be improved.. In any event, the State Associations do not believe that any increase in the base and maximum forfeitures is warranted or appropriate. Currently, many sectors of the country are

⁸⁹ NPRM at ¶ 46.

⁹⁰ See e.g., Comments of the NH SECC; Comments of PPW; Comments of SRR; Comments of SBE; and the Comments of the Bonneville Stations.

⁹¹ Comments of NAB & MSTV, at 12.

⁹² See e.g., Comments of OEMA and Comments of Sage.

⁹³ Comments of Wireless RERC, at 15.

starved for Federal government leadership in EAS. The best way towards ensuring compliance is not a stick, but rather a Federal commitment to making EAS operationally effective and reliable. Broadcasters have been loyal partners in this undertaking for decades. The Federal government needs to recognize its responsibilities in this partnership relationship, and that means, time, attention, prioritization and funding.

21. General Improvements: Cable Override

In the NPRM, the Commission sought comment on rules that it may adopt to enhance the effectiveness of EAS.⁹⁴ Several commenters, including the State Associations, referred to the so-called cable override issue. A majority of those commenters requested that the Commission adopt regulations either prohibiting override altogether or implementing “selective” override because of a mix of concerns: (i) cable overrides black out valuable emergency information broadcast by television stations; (ii) often cable alerts do not provide sufficient detail; (iii) often are confusing to viewers; and (iv) cable alerts are simply not timely.⁹⁵ NCMEC recommends that cable-override be prohibited because many of the interruptions state the existence of an emergency but fail to describe the type of emergency or where to go for further details and this confuses and distresses viewers.

However, a few commenters, including the Municipalities, argued that broadcast stations are unable to cover local emergencies in as effective a manner as local alert systems can because their coverage area includes many communities and in any event the Commission does not have

⁹⁴ NPRM at ¶ 20.

⁹⁵ See e.g., Comments of Capitol Broadcasting Company (“CBC”); Comments of NAB & MSTV; Comments of NCMEC; Comments of NCOAB; Comments of Orange County LECC; Comments of HATV; and the Comments of SRR.

the requisite authority to preempt local cable franchise agreements.⁹⁶ They also argued that decisions regarding local emergencies should be left to local officials because they are better trained in emergency management.⁹⁷ The City of Ann Arbor argued that prohibiting cable override would conflict with local or regional plans and laws that require localities to authorize a local alert in certain situations.⁹⁸

The State Associations disagree with the Municipalities for several reasons. First, there is no practical need for overrides. Broadcasters have eagerly accepted their public service responsibilities to keep their local audiences informed about emergencies of all types within their communities of license and service areas. Furthermore, because of the very local nature of broadcasting, state and local authorities routinely inform stations about emergency matters with the expectation that stations will appropriately exercise their discretion in determining timeliness, relevance and content. To the extent that such authorities also inform cable operators of the same situations, so much the better. If a town or municipality wants to require a franchised cable system to carry certain information, that is a matter between the authority and the cable system. However, such a requirement should not have the effect of requiring a cable operator to override the broadcaster's on air response to the same information.

There are at least two negative dynamics to cable overrides. First, cable overrides assume that cable delivered information is the most relevant, timely and helpful. Cable overrides cancel out, for their subscribers, broadcast station originated information of the highest caliber,

⁹⁶ See Comments of Municipalities, at 9-17. See also Comments of the City of Dubuque, at 1 and the Comments of the City of Cadillac, at 1.

⁹⁷ *Id.*

⁹⁸ Comments of the City of Ann Arbor, at 4.

thereby risking lives and property. In addition, as the result of increased consolidation of cable headends, one input covers ever expanding areas thereby increasing the chance that the information will not be relevant, timely or helpful. The increased consolidation of headends also undermines any argument that nothing has changed since the Commission's 1998 Report and Order refusing to adopt regulations prohibiting cable override.

Second, local officials are not adding any value through the local alert system when they air a plain "vanilla severe weather alert", as characterized by SRR, after blanking out a station that has the most accurate information. Some argue that the interruption is minimal. The State Associations submit that what the cable industry offers in the area of emergency information is minimal, and in certain circumstances potentially harmful. In the comments of CBC, they cited situations where an outdated tornado warning was aired instead of the expected test and where a cable company flashed an unscheduled EAS bulletin screen without audio eleven times during 30 minutes of broadcast.⁹⁹ The Ohio Association of Broadcasters ("OAB") gave an account of problems with cable system malfunctions especially since most cable EAS equipment is entirely automated and unmanned.¹⁰⁰ HATV noted a cable system's failure to relay the proper end-of-message code, which resulted in an override for several hours after the emergency had passed.¹⁰¹ Given these and the aforementioned issues, under the current regime, viewers are underserved when they receive information and it is too little, too late.

Finally, the Municipalities argue that the Commission does not have the authority to preempt cable franchise agreements pursuant to the authority given to the municipalities under

⁹⁹ Comments of CBC, at 2.

¹⁰⁰ Comments of OAB, at 13-14.

¹⁰¹ Comments of HATV, at 5.

47 U.S.C. §546.¹⁰² Under this statute Congress gave the municipalities the authority regarding the renewal of cable franchises.¹⁰³ However, the Commission is in fact specifically authorized by 47 U.S.C. §544(g), to require a cable operator to “comply with such standards as the Commission shall prescribe to ensure that viewers of video programming on cable systems are afforded the same emergency information as is afforded by the emergency broadcasting system.” Therefore, the Commission has the authority to promulgate rules that prohibit cable override and pursuant to 47 U.S.C. §544(g), cable operators must comply notwithstanding any State or local law to the contrary.

The State Associations recommend that the FCC declare cable overrides of emergency information to be unlawful. This resolution of the issue is a win-win. Local emergency officials will continue to provide emergency information to broadcasters and to cable operators. Broadcasters and cable operators will use their best judgments on what should be aired and when. No longer will either the Federal government, or State or local government be in the position of favoring the content of cable over broadcast or vice versa. Therefore, the Commission, as a matter of Federal preemptive policy and law, should prohibit all cable systems from overriding the programming of over-the-air broadcasters.

¹⁰² Comments of the Municipalities, at 9-11.

¹⁰³ See 47 U.S.C. §546.

III. CONCLUSION

Based on the foregoing, the State Associations respectfully request that the Commission resolve the issues raised in its NPRM in this proceeding consistent with their Joint Comments and these Joint Reply Comments.

Respectfully submitted,

NAMED STATE BROADCASTERS
ASSOCIATIONS

By: _____/s/_____
Richard R. Zaragoza
David D. Oxenford

SHAW PITTMAN LLP
2300 N Street, N.W.
Washington, D.C. 20037
(202) 663-8000

Their Attorneys in this Matter

Dated: December 13, 2004

EXHIBIT 1

STATUS OF “STATE AND TERRITORY EAS PLANS”

<u><i>STATE/TERRITORY</i></u>	<u><i>STATUS</i></u>	<u><i>STATE/TERRITORY</i></u>	<u><i>STATUS</i></u>
Alabama	Revised as of August 1996	Montana	In the final stages of initial development
Alaska	Revised as of May 2003	Nebraska	Revised as of August 2003
Arizona	Revised as of February 1998	Nevada	Revised as of 2003
Arkansas	Revised as of April 1997	New Hampshire	Revised as of December 2000
California	Revised as of November 2002	New Jersey	Revised as of June 2001
Colorado	Revised as of June 1998	New Mexico	Revised as of September 2004
Connecticut	Revised as of January 2001	New York	Revised as of October 1998
District of Columbia	Revised as of August 2003	North Carolina	Revised as of January 2003
Delaware	Revised as of June 2004	North Dakota	Revised as of August 2002
Florida	Revised as of June 2002	Northern Mariana Islands	Revised as of March 2004
Georgia	Revised as of January 2002	Ohio	Revised as of September 2003
Guam	Unknown	Oklahoma	Revised as of June 2002
Hawaii	Revised as of June 2003	Oregon	Revised as of October 2004
Idaho	Revised as of May 2004	Pennsylvania	Revised as of April 2004
Illinois	Revised as of June 2003	Puerto Rico	Revised as of December 1996
Indiana	Revised as of October 2002	Rhode Island	Revised as of June 1996
Iowa	Revised as of October 1997; 2004 revision pending	South Carolina	Revised as of July 2003; 2004 revision pending
Kansas	Revised as of June 1998; 2004 revision pending	South Dakota	Revised as of January 2001
Kentucky	Revised as of 1995; 2004 revision pending	Tennessee	Revised as of June 1998
Louisiana	Revised as of 2003	Texas	Revised as of March 2004
Maine	Revised as of July 2003	U.S. Virgin Islands	Revised as of December 1996
Massachusetts	Revised as of January 1997	Utah	Revised as of June 2003
Maryland	Revised as of August 2004	Vermont	Revised as of 2000
Michigan	Revised as of June 1998	Virginia	Revised as of March 2004
Minnesota	Revised as of July 2001	Washington	Revised as of January 2004
Mississippi	Revised as of February 1997	West Virginia	Revised as of August 2003
Missouri	Revised as of July 1997	Wisconsin	Revised as of May 2004
		Wyoming	Revised as of December 2002